

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: Justin Whitworth

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CASE NO. 24-34840

DEBTOR

CHAPTER 7

**MOTION TO WITHDRAW AS COUNSEL
FOR JUSTIN WHITWORTH**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

ON DEBTOR'S REQUEST, NOW COMES Daniel J Ciment of Ciment Law Firm, PLLC , attorney of record for Justin Whitworth, debtor in the above-referenced bankruptcy proceeding, and files this Motion to Withdraw as Counsel, and in support thereof would respectfully show the Court as follows:

1. Movant was retained by Justin Whitworth (Debtor) for representation in the above-referenced case on July 19, 2024.
2. Movant filed a chapter 7 bankruptcy case on behalf of Debtor(s) on October 16, 2024.
3. On February 26, 2025, Debtor retained Movant for representation in the 2004 examination noticed by the Stawniczs and Chapter 13 trustee.
4. Debtor Justin Whitworth now wishes to cease having Ciment Law Firm PLLC represent him any further in any matters concerning the Chapter 7 bankruptcy, the 2004 examinations, and any of the adversary proceedings.

5. Movant has provided all basic services in this case to date. Movant has invoiced and received \$2800 in compensation for the Chapter 7 bankruptcy. Counsel invoiced Debtor a total of \$5000 in fees and \$826 in costs for the representation in the 2004 examinations and received \$3000 total, with \$2826 remaining owed. Counsel has advised Debtor that no additional fee application will be filed and when the final invoice has been paid, there will be no further payment owing.
6. On June 6, 2025, the U.S. Trustee and the Stawniczs both filed Adversary Proceedings connected to dischargeability of Mr. Whitworth's debts. The Ciment Law Firm is not representing Mr. Whitworth as regards these two lawsuits.
7. Mr. Whitworth requested that the Ciment Law Firm withdraw as his counsel in this Chapter 7 case and to not represent him in anything further. The Ciment Law Firm agreed.
8. **Meet and Confer with other parties :** On June 12, 2025, Debtor's Counsel Amy Clark asked the Chapter 13 trustee's attorney Marc Myers, Jana Whitworth of the Office of the U.S.Trustee, and Preston Towber as counsel for the Stawniczes, if they had any objection to Ciment Law Firm withdrawing as the counsel for Justin Whitworth. A copy of this motion and proposed order were circulated among the parties. The Chapter 13 trustee took no position on the motion to withdraw, the Office of the U.S. Trustee did not object to the motion to withdraw, and Preston Towber indicated his clients had no opposition so long as it did not delay the adversary proceeding and Movant responded that it was unknown what would happen if withdrawal was successful.
9. For the following reason(s), Movant seeks permission from the Court to withdraw as Counsel for Debtor(s):
 - a. Movant and Debtor(s) have failed to have a meeting of the minds as to how to proceed in this case.
 - b. Movant believes it would be in Debtor's best interest for Debtor(s) to retain new counsel to assist him/her or represent himself/herself through the remainder of the bankruptcy process and for the Adversary Proceedings.
 - c. Neither Movant nor Debtor are seeking this withdrawal for purposes of delay, but solely for the best interests of the Debtor and his estate.

- d. WHEREFORE PREMISES CONSIDERED, Movant, respectfully requests that this Court enter its Order permitting Movant's withdrawal as attorney of record for Justin Whitworth, and prays that the Court grant such further relief as may be just.

Respectfully submitted,

/s/ Daniel J. Ciment

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Withdraw as Counsel was served on all parties in interest listed below and on the attached matrix by First Class Mail, postage prepaid, or by Court ECF transmission, on or before June 19, 2025.

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By /s/ Daniel J Ciment
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